

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2022

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Changes to Chapter 18 and the Public Works Right of Way Manual to Include Certain Construction Site Violations as “Strikes” Under the “Three Strike Program” – Ordinance No. 28-2021 (Second Reading) and Resolution No. 001-2022 (Adoption)

Date: December 16, 2021

GENERAL INFORMATION

Chief Nicholas Caristo recently raised the idea of creating “strikes” under the “Three Strikes” program for certain construction site violations. These violations, such as noise, work hours, or mandatory construction screening violations, would be considered a strike, similar to right of way parking violations. Once a construction project receives three strikes, PZB issues a stop work order for the job and only the Town Council can re-activate the work.

PZB finds this to be an excellent way of forcing contractors to play by the Town’s rules. Many contractors do not fear a fine of \$250 or even \$500 for violations, or they do not fear a lengthy Code Enforcement process, which at the end of many months may result in only the payment of fines. But to actually receive three strikes and have the project shut down is something we believe that they will prevent.

The existing construction parking three strikes program is proposed to be expanded by including violations for many of the violations that occur due to poor construction site management. Staff has proposed a resolution to amend the Public Works Right of Way Manual at Chapter XII, Miscellaneous Provisions; and an ordinance to add an Article to Chapter 18, Buildings and Building Regulations. Between these two documents, the ability to declare additional strikes becomes reality.

This concept was reviewed with Police Chief Caristo and with Public Works Director Paul Brazil. They are supportive of the effort. The draft documents were also reviewed by Skip Randolph for form, content, and legal sufficiency. Ordinance No. 28-2021 was approved on First Reading at your December 14, 2021 meeting. It is ready for adoption on Second Reading.

In addition, Resolution No. 001-2022 is ready for consideration and adoption, as this resolution provides the technical changes to the Public Works Right of Way Manual to incorporate the additional categories of strikes under the program.

cc: Jay Boodheshwar, Deputy Town Manager
James Murphy, Assistant Planning, Zoning and Building Director
John Randolph, Town Attorney
Chief Nicholas Caristo
Paul Brazil, Director of Public Works